HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.26752 OF 2005

Between:

Amirneni Thripuramba

..... Petitioner

AND

Bank of India, Overseas Branch,
Visakhapatnam,
Rep. by its Branch Manager & others

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri V.V. Ramana

Counsel for respondent Nos.1 and 2 : Shri S. Surya Prakash Rao

Dated: 18.10.2006

Per G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for quashing the proceedings initiated against her by Bank of India under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the 2002 Act'). She has also prayed for staying the auction sale of her property.

Arguments in this case were heard on 16.10.2006, but the order was not dictated because Shri T.V.L. Narasimha Rao, learned counsel for the petitioner made a request that he would like to file written arguments. Today, Shri V.V. Ramana appeared for Shri T.V.L. Narasimha Rao and produced a copy of the written arguments, which is said to have been filed in the Registry yesterday. Simultaneously, Shri Ramana made a request that his client may be permitted to withdraw the writ petition with liberty to avail remedy under Section 17(1) of the 2002 Act and also seek condonation of delay in filing of the application and waiver of the Court fee.

Shri Surya Prakash Rao, learned counsel for the Bank says that he does not have any objection, but submitted that the Court may direct the Debts Recovery Tribunal to decide the application, if any filed by the petitioner, as early as possible.

In view of the statements made by the learned counsel for the parties, the writ petition is dismissed as withdrawn with liberty

to the petitioner to avail the remedy under Section 17(1) of the 2002 Act. She is also given liberty to apply for condonation of delay in filing of the application and waiver of the Court fee. We hope and trust that the application filed by the petitioner will be decided by the Tribunal, as early as possible.

As a sequel to dismissal of the writ petition, W.P.M.P.No.16583 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

18.10.2006
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